

Public Proposed Changes to Marine Sport Fishing Regulations
For the 2006 Triennial Process, and Department Recommendations
For Acceptance Or Denial Of Those Changes

Comment #, Format, Name, Date, Location	Change(s) Proposed to Marine Sport Fishing Regulations	Department Recommendation:	Basis for Department Recommendation
Comment #1 O Doug Louvell, 8/4/2006, Sacramento	Proposes amendments to Section 27.85, to remove the striped bass minimum size limit of 18 inches north of Pt. Conception and replace it with a slot limit of 17 to 30 inches.	Reject	<p>The speaker indicates the reasons for supporting a maximum size limit of 30 inches include a) it will increase egg production by selectively protecting large fecund fish and b) a maximum size limit is better for human health because there are warnings for mercury and PCB content for fish over 35 inches.</p> <p>The Department agrees the striped bass fishery is in decline, although the primary cause appears to be environmental rather than from overfishing. While the Department believes there could be some conservation benefit derived from preventing retention of large fish, data suggests there would be little practical effect in terms of the number of fish saved and eggs produced, because of the low number of total fish that are 30 inches and greater in the San Francisco Estuary and Sacramento-San Joaquin river system. The most recent population estimates suggest there are only about 2,000 striped bass that are 30 inches or greater in length, and of these, less than 50% are females. Therefore, the conservation benefit that would result from a 30-inch maximum size limit would be small and speculative at best. Moreover, it would unnecessarily deny fishermen the ability to retain trophy-sized striped bass.</p> <p>The speaker also proposes to reduce the minimum size limit to 17 inches because increased harvest levels of this size fish will result in decreased predation by striped bass on salmonids and delta smelt. The Department believes that lowering the minimum size even just one inch will result in greatly increased striped bass catches. The most recent population estimates suggest there are approximately 760,000 fish in this size class, and most have not yet reached sexual maturity. So while there may be some reduced predation on salmonids and delta smelt, there would be increased risk to the striped bass population itself if the minimum size limit were to be reduced.</p> <p>For additional information, see responses to public comments provided for the Inland Fisheries regulations.</p>
Comment #2	Proposes amendment of	Reject	As the speaker notes, new stock assessment information suggests that these species are

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O Tom Raftican, United Anglers of Southern CA, 8/4/2006 Sacramento	Section 27.60, to establish a 10-fish daily bag limit for albacore and bluefin tuna. Presently, there is no daily limit on the number of albacore and bluefin that may be taken and possessed.		<p>either fully exploited, or may be experiencing fishing mortality above sustainable levels. To avoid overfishing, conservation measures may be necessary to cap fishing effort on the West Coast. Because these species are federally managed under the Highly Migratory Species Fishery Management Plan, and discussions in the federal arena on bag limits are currently underway by committees of the Pacific Fishery Management Council (PFMC), Commission action on bag limits is not warranted before federal action has been considered.</p> <p>The state of California is fully engaged in the discussions at the federal level. The Department recommends that the Commission wait and amend its rules for state waters following any federal action. The federal area is the more appropriate venue for consideration of new bag limits because the PFMC will analyze the complete spectrum of multi-state and international data needed to develop and coordinate management measures that are appropriate for all areas. Presently, California's recreational catch of albacore accounts for 7 percent of the total West Coast harvest of albacore. It is not expected that establishing bag limits at a level of 10 fish per day will have an appreciable impact on catch levels, as Department data indicate that only 2 percent of California albacore anglers take in excess of 10 fish per day. Similarly, establishing a 10-fish bag limit on bluefin would impact less than 1 percent of California's recreational bluefin anglers.</p>
Comment #3 O Tom Raftican, United Anglers of Southern CA, 8/4/2006 Sacramento	Proposes amendment of Section 27.60, to reduce the daily bag limit for thresher and shortfin mako shark. Presently, the limit is 2 per day for each species.	Reject	<p>As with albacore and bluefin tuna, these species are federally managed under the Highly Migratory Species Fishery Management Plan. Currently, discussions in the federal arena on conservation and management measures are underway by committees of the Pacific Fishery Management Council (PFMC). Possible recreational measures under consideration include bag limit changes and a seasonal closure to protect adults during breeding and pupping season in the spring.</p> <p>There is very little data on recreational catches of thresher and shortfin mako shark, as California's existing creel census programs are not able to adequately survey private docks and marinas, which is where these species are often landed.</p> <p>The state of California is fully engaged in the discussions at the federal level. The Department recommends that the Commission wait and amend its rules for state waters following any federal action. The federal area is the more appropriate venue for consideration of new bag limits because the PFMC will analyze the complete spectrum of multi-state and international data needed to develop and coordinate management measures that are appropriate for all</p>

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			areas. The Department recommends that the Commission wait and amend its rules for state waters following any federal action.
Comment #4 O Tom Raftican, United Anglers of Southern CA, 8/4/2006 Sacramento	Proposes amendment to Section 28.30, to establish a kelp bass slot limit of 12 to 18 inches; and also a reduction in the daily bag limit of kelp bass to five fish.	Reject	<p>Present regulations of Section 28.30 apply to kelp bass, barred sand bass, and spotted sand bass <i>in combination</i>. The minimum size limit for all of these species is 12 inches, or 8.5 inches alternate length. The limit is ten bass in combination, regardless of species.</p> <p>The Department does not support the proposed 12-18 inch slot limit on kelp bass for the following reasons: 1) There is no biological reason or data suggesting that there is a need for a slot limit, or that instituting a slot limit would increase productivity of the stock. The fishery has been steadily productive under present regulations for decades. 2) The testimony of the speaker indicated that anglers were interested in catching 'big' fish, yet this proposal would prohibit retention of the biggest kelp bass. Under the present rules, anglers always have the option of releasing larger-sized kelp bass. 3) The Department is aware that there are some anglers that wish both to take, and retain, trophy-sized kelp bass who would oppose this proposal. 4) Establishing a slot limit only for kelp bass, but not the other bass, will generate confusion because the present regulations address all species of bass in the aggregate, and there will need to be re-drafting of the regulations and increased public information to make this point clear. 5) The Department would need to establish regulations that would prohibit filleting of kelp bass to make the provision enforceable. This would be necessary because fish that are larger than the slot limit could simply be filleted to escape the maximum size limit. It would not be possible to produce a "maximum fillet size" regulation that would represent the size of a fillet from an 18-inch kelp bass. This "no filleting" outcome is likely to be disfavored by the CPFV fleet.</p> <p>The Department does not support the proposed reduction to a 5-fish bag limit for the following reasons: 1) There is no biological reason or data suggesting that there is a need to reduce the current bag limit, or that there is a need to reduce overall catches of kelp bass. The fishery has been steadily productive under present regulations for decades. 2) Reducing the kelp bass bag limit to five fish would procedurally force the Department to reconsider the bag limits for barred and spotted sand bass because the bag limit right now is ten bass in combination, regardless of species. Were the Department to accept the changes, there would need to be a determination if the other two species could withstand increased catches, and if so, at what level.</p>

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Comment #5 O Jim Martin, Recreational Fishing Alliance, 8/4/2006 Sacramento	Supports the proposal to change the Dungeness crab daily bag limit to 10 per day for CPFVs, consistent with the limit for private boats.	Reject	See Response to Comment #34
Comment #6 O Jim Martin, Recreational Fishing Alliance, 8/4/2006 Sacramento	Supports establishing a 25-fish bag limit on albacore, instead of a lower number.	Reject	The Department does not recommend the Commission establish any bag limit for albacore prior to consideration by the Pacific Fishery Management Council. See Response to Comment #2.
Comment #7 O Jim Martin, Recreational Fishing Alliance, 8/4/2006 Sacramento	Supports recommendation of Jim DeMartini, on behalf of RFA.	Accept in Part. See Comment #8	See Response to Comment #8
Comment #8 O Jim DeMartini, Representing "150 sport crab trappers working the Bodega Bay Area" 8/4/2006 Sacramento;	Proposes amendment to Sections 29.80 and 29.85, as follows: 1) to require marking of sport crab trap buoys by the owner, 2) prohibit any person from taking crabs from another's traps, 3) to make it unlawful to disturb the traps of another, and 4) allow the trap owner to	Accept in Part. The Department proposes to amend Section 29.80, to include items 2, 3 and 4 of the author's proposals.	<p>The Department proposes to accept this public recommendation in part, to amend Section 29.80 for all crustacean traps (this includes crab traps but also prawn traps and hoop nets that are used primarily for lobster). The Department agrees that additional regulatory language making it unlawful to disturb another's traps, and unlawful to remove any crustacean from someone else's gear, is necessary. The new regulations are expected to aid enforcement in efforts to cite individuals from taking crabs out of another's traps. The Department is also supportive of regulations that would allow someone to pull another person's traps with written permission from the owner of the trap.</p> <p>However, the Department does not support a requirement that every recreational angler who fishes with traps must mark them with their name or other form of identification. This would</p>

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E= Electronic Mail, L= Letter, O= Oral Comment

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also: L 7/07/2006 Cloverdale	provide written authorization to another person to pull his or her traps.		require that enforcement officers spend time enforcing the trap marking requirement, rather than enforcing the unlawful removal of crabs from traps. If a trap owner wishes to seek protection for their traps under the new regulations, he or she must have their traps marked in a way that will allow an officer to determine the ownership of the trap, but the Department does not believe it is necessary to actually require that the owner mark his or her traps.
Comment #9 O John Duffy, Recreational Skin Diver, 8/4/2006 Sacramento	Proposes amendment to Section 29.15, to allow abalone harvest in the month of July.	Reject	<p>Present regulations allow for a 7-month abalone fishery, between the months of April and November, but closed in the month of July. According to the Department's Abalone Recovery and Management Plan adopted in December of 2005, the seasonal nature of the fishery may provide for ease of enforcement and allow review of biological survey data to provide management recommendations in the off-season. It may also allow for undisturbed reproductive periods.</p> <p>July is a month where heavy fishing effort is expected, given it is in the middle of the summer. Additionally, July usually has lower low tides than the month of August, and fishing activity often increases during low tides. Given the Commission and Department have sought increasingly restrictive harvest levels for red abalone, with reduced daily and annual limits, authorizing fishing in July would be contrary to these efforts to reduce overall take.</p> <p>While the Department does not support opening the north coast in the month of July, work is underway to explore the possibility of allowing for a limited fishery at San Miguel Island in the near-future, and a different season structure for this fishery is a possibility.</p>
Comment #10 O John Duffy, Recreational Skin Diver, 8/4/2006 Sacramento	Proposes amendment to Section 29.15, to increase the daily bag limit for abalone from 3 to 4 per day.	Reject	Daily limits prevent concentration of effort and help to distribute the catch throughout the fishing season. Daily limits are also effective in regulating the total fishery catch and a key method of adjusting the total catch to match the total allowable catch. The current bag limit is three abalone per day, which was reduced from four in 2002. According to the Abalone Recovery and Management Plan (ARMP) adopted by the Commission in December of 2005, a bag limit of four abalone has been demonstrated to result in serial depletion in high use and intertidal areas (see ARMP, page 7-9).
Comment #11 O John Duffy,	Proposes amendment to Section 29.85, to establish the Dungeness crab season	Accept in Part	The Department agrees that changes to the regulatory language in Section 29.85 regarding the Dungeness crab opening date are needed. However, the Commission has an established season opening date policy which states that "where and when practical, hunting and fishing

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Recreational Skin Diver, 8/4/2006 Sacramento	opening date as November 1; this is 15 days prior to the new statutory opening date for the commercial crab fishery in most counties.		<p>seasons will open on a Saturday." While no single opening date will accommodate all interested participants, Saturdays are preferred as a matter of convenience given many work week schedules, and the present crab opening dates are both on Saturdays.</p> <p>While the Department does not support setting a standardized opening date of November 1 as the speaker advocates, instead the Department recommends the language regarding the open season be modified as follows:</p> <p>(A) Del Norte, Humboldt and Mendocino counties: From the last Saturday in November through July 30.</p> <p>(B) All other counties: From the first Saturday in November through June 30.</p> <p>In most years, the actual opening date will not differ from what it would be under the present regulations, and the "head start" that the sport fishery is provided in advance of the commercial opener will remain in effect for all areas of the state. However, the simplified regulatory text will be easier for anglers to understand.</p>
Comment #12 E Byron McBroom 1/13/2004 Ripon	Amend Section 29.15 to eliminate the closures for abalone fishing; increase the minimum size limit to 7.5 inches instead.	Reject	<p>Present regulations in Section 29.15 prevent recreational take of abalone in California south of San Francisco Bay. Where fishing is open, it is limited to seven months per year, and the minimum size limit is seven inches. Thus, there are both geographic and temporal closures for abalone fishing. Only red abalone may be taken, and there is an annual limit per person of 24 per year, and not more than three may be taken per person per day.</p> <p>The Abalone Recovery and Management Plan was adopted by the Commission in December of 2005 after five years of extensive research, planning, and public hearings. The plan explains that since 1901, size limits have been a primary tool used to manage abalone. Size limits allow abalone the opportunity to reproduce before becoming vulnerable to the fishery.</p> <p>The minimum legal size for recreationally-taken red abalone is currently 7 inches. Fishery models have been used to explore a range of size limits for red abalone. Tegner et al. (1989) used yield-per-recruit and egg-per-recruit models to evaluate red abalone size limits, and found that the current recreational size limit is reasonable and conservative. Also, it is important to recognize that size limits work in conjunction with other management measures, such as closed seasons and areas.</p>

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			While the Department does not support eliminating all closures in effect for abalone, work is underway to explore the possibility of allowing for a limited fishery at San Miguel Island in the near-future.
Comment #13 L Ronald LaForce, United Outdoorsmen 07/28/2004 Volcano	Change the ocean salmon possession limit to allow fishermen to possess two daily limits instead of one.	Reject	<p>Section 1.17 provides that no more than one daily bag limit of each kind of fish, amphibian, reptile, mollusk or crustacean may be taken or possessed by any one person unless otherwise authorized; regardless of whether they are fresh, frozen, or otherwise preserved. Therefore, the possession limit for salmon is two fish, just like the daily bag limit. While the Multi-Day license provisions described in Section 27.15 may allow retention and possession of up to three daily bag limits if the permit conditions are met, salmon are not included among the fin fish species for which that license may be used.</p> <p>Salmon are managed pursuant to the federal Pacific Fishery Management Council's (PFMC) Salmon Management Plan and federal rules which implement that plan. The Commission takes action each year to amend salmon regulations for California waters to conform to the federal rules which are reconsidered each year, using the most recent biological data. Therefore, action on bag and possession limits should be deferred to the PFMC venue for consideration.</p>
Comment #14 L Tom Mattusch 9/22/2004 El Granada	Change the Dungeness crab daily bag limit for anglers who crab from a CPFV to match the 10-crab daily bag limit for private boaters.	Reject	See Response to Comment #34
Comment #15 L Tom Mattusch 9/22/2004 El Granada	Change the recreational Dungeness crab regulations to allow the take of male crabs only.	Reject	While there is a prohibition on the take of females in the commercial Dungeness fishery to allow for improved reproductive success, the Department does not believe this measure is necessary in the sport fishery for the following reasons: 1) The volume of crab taken in the sport fishery is small compared with that of the commercial fishery, so any benefit to the stock would be minor, and 2) It would require considerable outreach and education on the part of the Department to educate the public of the difference between male and female crab to achieve only a marginal benefit, and 3) It appears that present sport and commercial fishery management measures have worked effectively to keep the resource at sustainable levels, as both sport and commercial fisheries have been productive in recent years.

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Comment #16 E Tom Mattusch 4/20/2006 El Granada	Require recreational trap gear to have "cotton straps that would break away" similar to commercial requirements.	Reject	<p>Section 180.2, Title 14, CCR, requires that commercial traps used for finfish, mollusks or crustaceans be equipped with at one least trap destruct device. The "device" is a piece of twine or wire that laces up an opening in the trap. The theory is that if the trap is lost at sea, the device will corrode, and that any fish inside the trap can escape out of the opening. The regulations provide specifications on the location of the device in the trap, its dimensions and the type of destruct materials that may be used.</p> <p>The Department does not support this recommendation for sport traps for the following reasons: 1) The commercial regulations are relatively complex, and would need to be modified for widespread recreational use. 2) Extensive outreach/education would be necessary to train all sport trappers how to install a proper destruct panel in their traps. 3) If there is a problem with the volume of lost recreational trap gear, the Department would most likely look to establish a limit on the number of allowable traps, or reduce the present limits for the fisheries in which trap limits apply. 4) If the author's proposal suggests that sport anglers do not know where their traps are and thus they are susceptible to loss, the Department might consider soak time limits, a requirement that traps be closely attended to, or other measures that ensure that trappers know precisely where their gear is located. 5) There is not conclusive evidence from California's commercial trap fisheries that the destruct device requirement actually functions as intended. Confirming that fact would be helpful prior to determining if the measure is warranted for the state's recreational trap fisheries.</p>
Comment #17 E Tom Mattusch 4/20/2006 El Granada	Require marking of sport pots or buoys for identification purposes.	Reject	See Response to Comment #8
Comment #18 L Bill Doo 1/18/2005 Daly City	Proposes to modify or eliminate Section 27.95; regarding the sturgeon closure in San Francisco Bay.	Reject	<p>The author proposes the Section be deleted or modified because: 1) The herring spawns that traditionally caused sturgeon to concentrate in this area have now moved well south of the area; and 2) the closed area limits fishing opportunities for sturgeon from shore in San Francisco Bay.</p> <p>Beginning in early 2006, the Department increased its focus on sturgeon management efforts following review of Department data that suggests the sturgeon population in the San Francisco Estuary and Sacramento-San Joaquin river system may be in decline. The</p>

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			<p>Department, in assimilating considerable public input taken during special hearings in 2006, is proposing a reduced annual bag limit, a reduced slot size limit, and a tag and report card program for white sturgeon to safeguard against potential overharvest. It is also proposing zero retention for green sturgeon. The closed area established in Section 27.95 was not reconsidered in this process because the public discussions were focused on developing these other management measures. Because eliminating the closed area could potentially increase sturgeon harvests in areas where fish may concentrate, the Department does not recommend the Commission take action to eliminate the closed area without a full analysis of impact. While the Department would certainly consider future adjustments of the boundaries of the closed area so that the regulations would be more effective at achieving their intended purpose, information on alternative locations that may be more suitable for closure is not available at this time.</p>
<p>Comment #19 E Michael Mays 1/26/2005 El Dorado Hills</p>	<p>Request to outlaw all electronic aids for finding and taking fish and game, including fish finders. In addition to banning these products from use, they should not be permitted to be sold or brought into California.</p>	<p>Reject</p>	<p>The Department believes that the author's concerns were largely addressed by the Commission when it adopted Section 2.45, regarding Computer Assisted Remote Fishing, in August 2005. At that time, the Commission took action to ban remote hunting and fishing practices that it believed were ethically not in-line with traditional sport hunting and fishing activities. The new regulation provides that a) it is unlawful to take or assist in the taking of any fish in or from this state, by computer-assisted remote fishing; and b) it is unlawful to establish or operate a computer-assisted remote fishing site for the purpose of taking fish from or within this state. The regulation was intended to prevent activities such as using remote-controlled cameras and lasers from one's living room to track and kill an animal target. Fish-finders are not equipped with remote devices that would allow a sport angler to kill his or her target.</p> <p>While the author believes that the restrictions on computer-assisted fishing should extend to fish finders, the Commission and Department believe the new regulations reach far enough to prevent un-sportsmanlike conduct. While a fish finder is a helpful electronic aid that does make fishing activity more efficient by locating fish and reducing search time, just because fish are located with a fish finder does not mean that the fish will bite if being fished with hook and line gear, or that a spear fisherman will succeed once in the water.</p>
<p>Comment #20 E Robert Hind</p>	<p>Require the float on the crab pot line be marked with owner's identification</p>	<p>Accept in part</p>	<p>See Response to Comment#8. Regarding the request to make the tampering offense a misdemeanor, the Commission does not have the authority to establish the level of the offense. However, the Commission can prohibit the activity of tampering with another's trap,</p>

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6/3/2005 Vacaville	& make tampering with someone else's pot a misdemeanor.		and any violation of a Commission regulation is generally prosecutable as a misdemeanor.
Comment #21 E Sam Minervini 12/13/2005 San Diego	Proposes amending Section 28.15, to outlaw "bounce ball" technique for sport anglers who fish for halibut with a 2 lb. ball and leader that is bounced along the bottom.	Reject	The author suggests that the "bounce ball" technique is a "commercial" fishing practice and should be prohibited, yet the gear and methods used are similar to that used for recreational fishing for tunas, billfish, and salmon. Slow-trolling a bait along the bottom, aided with heavy weight and possibly flashers has proven effective for California halibut as well as a number of other marine species taken recreationally. The Department is satisfied that present bag limits are adequate to keep recreational catches within desired levels, and that additional gear constraints are not necessary to protect the California halibut resource at this time.
Comment #22 E Sam Minervini 12/13/2005 San Diego	Proposes amending Section 28.15, to reduce the daily halibut bag limit to two fish per person.	Reject	Present California halibut bag limits are five fish in waters south of Point Sur and three fish in waters north of Point Sur, with a minimum size limit of 22 inches. These recreational regulations were last amended in 1996, and are considerably lower than the general recreational bag limit of 10 fish of any one species. It is also quite uncommon for a recreational angler to succeed in taking a full daily bag limit of California halibut. While the status of the population remains unknown, significant changes in management have occurred in the commercial set net and trawl halibut fisheries that have substantially reduced the size of allowable fishing areas using these gears. However, steady catches for both sport and commercial fisheries suggest that the present management efforts are working to maintain a sustainable fishery, and the Department finds no reason to consider reducing bag limits at this time.
Comment #23 E Scott Hewett 12/1/2005 707 Area Code	Proposes a marking requirement on crab traps and prohibition on removing crabs from someone else's trap without written permission.	Accept in Part	See Response to Comment #8
Comment #24 E Scott Hewett 12/1/2005	Suggests eliminating Section 27.83(b), gear restrictions in the California Rockfish Conservation	Accept, but not included with triennial sportfish proposals. The Department has	The regulation presently limits fishing to one hook and not more than six ounces of weight when fishing in areas where groundfish fishing is closed. The speaker claims the regulation is "an example of overreaching regulations of questionable necessity" because it prohibits fishing for jacksmeelt or herring with a traditional bait rig, trolling for large pelagics with jigs that

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707 Area Code	Area.	included this item within the 2007-2008 groundfish regulations package presently being considered by the Commission.	weigh more than 6 ounces, and trolling more than one jig on a line for striped bass, among others. The Department supports elimination of the provision because other regulations have proven successful at keeping catches of groundfish off California within the Optimum Yields established in federal regulations.
Comment #25 E Scott Hewett 12/1/2005 707 Area Code	Proposes amending Section 28.80 to add sardines and jacksmelt to the list of species authorized to be taken with dip nets, Hawaiian-type throw nets, and baited hoop nets.	Reject	The Department agrees that the regulations surrounding the recreational use of nets and traps are in need of revision. However, the Department has been unable to undertake review and study of this sector of the state's sport fishery due to staff reductions and other legislative and regulatory priorities. Rather than make a piecemeal change such as this without being able to adequately evaluate the potential impact of the proposal, the Department recommends the Commission postpone consideration of the item until adequate review of the sport net and trap fisheries can be completed by the Department.
Comment #26 E Scott Hewett 12/1/2005 707 Area Code	Proposes elimination of the barbless circle hook requirement for salmon in Section 27.80.	Reject	Salmon are managed pursuant to the federal Pacific Fishery Management Council's (PFMC) Salmon Management Plan and federal rules which implement that plan. The Commission generally takes actions to amend salmon regulations for California waters to conform to those federal rules which are reconsidered each year, using the most recent biological data. Therefore, action on this item should be deferred to the PFMC venue for consideration.
Comment #27 L Randy Brooks 7/28/2006 Santee	Proposes the Commission institute a size and bag limit on corbina.	Reject	Section 27.60 provides a general bag limit for all species of marine finfish, which applies to the take of corbina. Not more than 10 of any one species may be taken or possessed by any one person, unless a special exception applies. Furthermore, at this time, the Department is not aware of a biological need to establish a minimum size limit on this species, or what an appropriate size limit might be.
Comment #28 L Randy Brooks 7/28/2006 Santee	Proposes a reduction in the surfperch bag limit; Section 28.59.	Reject	Based on a request from Bob Strickland of United Anglers to increase the surfperch bag limit to provide more opportunity for surf anglers, the Commission increased the bag limit in February 2006, with the rule change becoming effective in May of 2006. The regulations now authorize a daily bag limit of 10 surfperch of any single species, excluding waters of the San Francisco Bay District, and excluding shiner surfperch. Based on the Commission's recent action, the Department does not see a need to revisit the provision in the near-future, without additional information.

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Comment #29 L Randy Brooks 7/28/2006 Santee	Recommends banning the practice of snagging fish; particularly surf fish.	Reject	<p>There is no clear way to determine whether an angler is intentionally "snagging" his or her fish, nor is it always clear when or if the fish intended to take a bait its mouth if the fish is not hooked in the mouth. To draft a regulation that would prohibit snagging, the angler would have to be fishing in a manner that constitutes snagging activity, AND the fish would have to be snagged without it ever intending to take a bait or jig that is nearby.</p> <p>While snagging is generally prohibited in fresh water, foul hooking of fish occasionally occurs when fishing with bait or jigs for game fish in ocean waters. For example, California barracuda will often strike at a lure but the hook will lodge someplace other than in its mouth. If the proposed change were accepted, and if the barracuda in this scenario were retained, it would constitute a violation unless rules were drafted to specifically exempt such a situation where an angler did not intend to "snag" a fish. Consequently, from an enforcement and regulatory drafting standpoint, it is difficult to differentiate whether a fish taken on a hook actually 'intended' to take a bait or jig in its mouth, or was snagged <i>without</i> intending to take a bait or jig. Furthermore, bait fish are often attracted by a shiny jig but may not actually bite at it. They are deliberately snagged and used as live bait. The proposal to ban snagging in ocean waters has been made many times in years past, but for marine waters the Department believes that it would be extremely difficult to draft regulations that would adequately cover all possible scenarios without adding confusion and complexity to the regulations. Rather than proceed down this slippery slope, the Department recommends using bag limits, closed seasons, or other management tools to limit overall harvest as needed.</p> <p>Additionally, current regulations do prohibit snagging of species in ocean waters that are of particular concern (striped bass, sturgeon, trout and salmon). Where other species of ocean fish are alleged to be at particularized risk from snagging, the Department recommends that the alleged problem be substantiated and that regulations be narrowly tailored to the species and fishing areas involved, and drafted in a manner that will allow adequate enforcement.</p>
Comment #30 L No Date Kenneth Jones, United Pier and Shore Anglers	Recommends banning the practice of snagging fish; particularly on piers and for species of surf fish.	Reject	See Response to Comment #29

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of California			
Comment #31 L No Date Kenneth Jones, United Pier and Shore Anglers of California	Limit the number of treble hooks to two per line to prohibit snagging of marine finfish.	Reject	The Department does not recommend that snagging be prohibited in ocean waters. See Response to Comment #29.
Comment #32 L No Date Kenneth Jones, United Pier and Shore Anglers of California	Limit the gap size of hooks to prohibit snagging of marine finfish.	Reject	The Department does not recommend that snagging be prohibited in ocean waters. See Response to Comment #29.
Comment #33 L 7/14/2006 Rob Catterton Sebastopol	Supports the proposal by Jim DeMartini to prevent an individual from removing crabs from someone else's trap by amending Sections 29.80 and 29.85.	Accept in Part	See Response to Comment #8.
Comment #34 E 8/3/2006 Craig Stone Emeryville	Change the present regulations regarding Dungeness crab in Section 29.85 to: a) make the size limits the same between private boats and CPFVs in all counties, and b) set the bag limit at 10 regardless if fishing from a private boat or CPFV in all counties.	Reject	<p>Pursuant to Section 29.85, the sport Dungeness crab size limit for anglers fishing on a CPFV is 6 inches, while it is only 5 and $\frac{3}{4}$ inches for anglers that are not fishing aboard a CPFV. Additionally, the bag limit for anglers fishing on a CPFV is six, while for other anglers the limit is 10. The CPFV rules apply only in the counties of Sonoma, Marin, San Francisco, San Mateo, Santa Cruz and Monterey.</p> <p>The reason for these differences is that commercial Dungeness interests in the early 1990s were concerned with fishing competition from CPFVs, who's crew would set traps and pull them each day and distribute the catch to passengers fishing aboard rockfish trips. The practice somewhat mimicked commercial fishing practices, and thus became a crab resource allocation issue. A compromise was reached that allowed the CPFVs to continue the practice, but the bag limit for the CPFV passengers was decreased to six per day, and the size limit was increased to 6 inches.</p>

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			While uniform size and bag limit regulations for all sport fishery sectors would certainly be less complex, the current regulations came about as a compromise between commercial, CPFV and private angler interests, and has appeared to work well over the past several years. Both the sport and commercial Dungeness fisheries appear to be thriving, and since the present size and bag limit regulations have been in place for over a decade, the public has grown accustomed to them. At this time there is no compelling reason to change the regulations simply to make them the same for all sport user groups statewide.
Comment #35 L 3/6/2006 Jay S. Halbert Chico	Institute an annual salmon limit of 20 fish per year, maintain the 2-fish bag and possession limit, and establish a sport salmon score card and stamp program that would allow purchase of up to five stamps, with each stamp valid for take of four fish, and with each stamp sold at a cost of \$4.	Reject	While salmon fishing activities have become increasingly constrained both in the ocean and in the Klamath River system the past few years, salmon in California are managed pursuant to the federal Pacific Fishery Management Council's (PFMC) Salmon Management Plan and federal rules which implement that plan. The Commission generally takes actions to amend salmon regulations for California waters to conform to those federal rules which are reconsidered each year, using the most recent biological data. The recent reduction in salmon fishing opportunities have come not because of an overall shortage of salmon, but due to the depleted status of salmon specifically from the Klamath River watershed. For example, salmon originating from the Sacramento River watershed experienced relatively high population levels in 2006. A statewide report card and tag program is not likely to help with the problem of avoiding impacts to Klamath fish while allowing other salmon fisheries in the state to continue. Furthermore, Section 1.74 requires a salmon report card for fishing in ocean waters north of Horse Mountain or in waters of the Klamath River system, to better estimate the recreational take of fish in these areas. The author's proposal to expand the report card program and add additional stamp requirements should be deferred to the PFMC venue for consideration, but only after the conservation goals of the proposed program are clearly articulated.
Comment #36 L 3/6/2006 Jay S. Halbert Chico	Provide Department funds toward educating fishermen how to clean and handle sportfish to avoid waste.	The proposal does not involve any regulatory action.	Comment noted.
Comment #37 E 11/29/2005	Amend the abalone report card program as follows: a) Do not require the card and	Reject	Regulations in subsection 29.15(h) require that the Abalone Permit Report Card shall be kept with the sport fishing license, and when diving from a boat (including a kayak), the report card and license must be kept aboard the boat. Regulations also specify that the Abalone

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C. Douglas Bell Livermore	sport license be possessed on a small watercraft such as a kayak, b) Do not require the card be filled out while at sea with an ink pen because the ink doesn't adhere to a wet card, c) The punch-holes are difficult to remove and one should just be able to fill in a circle with a pen, d) Allow the card to be filled out on land before leaving the immediate area.		<p>Permit Report Card shall be completed "immediately upon returning and boarding the boat with abalone."</p> <p>For shore divers, the license and report card must be kept within 500 yards on the shore, and "Persons shall, immediately upon bringing ashore an abalone, make a hole and completely remove the punched section from the report card in one of the designated locations for each abalone taken, and record with indelible ink, the date, time, and location code in the spaces provided adjacent to the hole."</p> <p>The author indicates the provisions are unnecessary, cumbersome, difficult to adhere to, and pose a safety risk for those who have to fill out the card aboard a kayak.</p> <p>While the Department sympathizes with these concerns, Enforcement staff have indicated that they are necessary to make the report card provisions enforceable. However, if adopted by the Commission, the Department has made improvements to its report card procedures in the process of developing the new sturgeon report card and tag program, which may be applicable to the abalone program in the future. Should these revised provisions prove more effective, the Department anticipates that it may consider modifying all the existing report card provisions in effect for salmon, steelhead and abalone.</p>
Comment #38 L 7//10/2006 Dan Wolford, on behalf of Coastside Fishing Club	Supports the crab trap theft proposal put forward by Mr. DeMartini to: 1) require the marking of crab pot buoys, 2) remove crabs from another's traps, 3) allow for pulling someone else's gear with written permission, and 4) make it unlawful to disturb another's trap gear.	Accept in Part	The Department is supportive of items 2, 3, and 4, but not item 1. See Response to Comment #8.
Comment #39 L 7/18/2006 Stephan R.	Supports the crab trap theft proposal put forward by Mr. DeMartini (see Comment #8)	Accept in Part	See Response to Comment #8.

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Passalacqua, Sonoma County District Attorney			